

REMARKS

This is in response to the Office action mailed on January 27, 2004. Claims 19-23 were pending in that action, and were all subjected to a final rejection. The applicant has amended the claims responsively to the Office's reasoning in that action, and believe the newly amended claims 19-23 to be in condition for allowance. Applicant accordingly invites the Office to consider this amendment after final under 37 C.F.R. § 1.116, and to allow amended claims 19-23 in light of the amendment and the following remarks.

Claims 19-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Greenhalgh (U.S. Patent No. 6,391,037). As indicated in the present amendment of claim 19, the present invention is fundamentally different than Greenhalgh. For example, the invention of claim 19 includes a sac having a relaxed state in which a radial dimension of the sac is sized to pass through an artery and an aneurysm neck. This is clearly indicated in the specification and figures 10A-D. On the other hand, the subject matter of Greenhalgh includes filamentary members that are resiliently biased to expand the bag to a diameter sufficient to substantially fill an aneurysm (see e.g. col. 1, lines 1-10). In the Greenhalgh disclosure, the filamentary members are in tension when the bag is deformed to a smaller diameter sized to fit through an artery or aneurysm neck, and resume the greater radial dimension when the tension is removed (see e.g. col. 4, lines 36-57).

This is a fundamental distinction between Greenhalgh and claim 19. Because the Greenhalgh invention may be radially wider in its relaxed state than an artery or aneurysm neck associated with a target aneurysm, if the tension that restricts its radial diameter should fail for any reason at the wrong time, the outcome of the operation could be compromised. Likewise, because the Greenhalgh invention is resiliently biased to a

predetermined expanded radial dimension, it may be inaccurate in matching the dimensions of an aneurysm. A greater than desired radial sac dimension may exert unwanted pressure on the aneurysm wall, or even cause the aneurysm to burst, while too little radial dimension may prevent the sac from being effective. Because the sac of claim 19 has a radial dimension sized to pass through an artery and an aneurysm neck when in its relaxed state, and expands radially due to increasing internal pressure, which might typically be controllably caused after assuring that the sac has been properly positioned in the target aneurysm, the invention of claim 19 is advantageous.

Greenhalgh therefore does not teach the invention of claim 19, including the element of a sac having a relaxed state in which a radial dimension of the sac is sized to pass through an artery and an aneurysm neck. This distinction is of considerable importance and demonstrates the substantial advantages of the invention of claim 19.


As for claims 20-23, they are dependent on claim 19 and therefore share in the distinctiveness of claim 19 over the disclosure of Greenhalgh. They also include additional distinctions, such as the sac being formed of an axially oriented polymer material as in claim 20, while Greenhalgh instead teaches braided, "trellis effect" structures (e.g. col. 3, lines 31-41).

For reasons such as those presented above, the applicant respectfully submits that Greenhalgh does not teach or suggest claims 19-23 as amended. The applicant therefore respectfully invites the Office to reconsider and allow these claims.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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